



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: MICHAEL T. YORK et al.

Appln. No.: 10/057,061

Filed: January 24, 2002

For: HIGH EFFICIENCY
ALTERNATOR BOBBIN

Attorney Docket No: 10541-1186

Examiner: Unknown

Art Unit: 2839

RECEIVED

FEB 12 2004

OFFICE OF PETITIONS

Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.181(a)

REQUESTING WITHDRAWAL OF THE HOLDING OF ABANDONMENT

Applicant herein petitions the Director for withdrawal of the examiner's holding of abandonment on the basis that the application is in fact not abandoned. This Petition is being timely submitted within two months of the mailing date of the Notice of Abandonment.

Supporting Facts

In the Notice of Abandonment (Attachment A) dated January 20, 2004, the present application was indicated as being abandoned for failure to timely reply to the Notice of File Missing Parts mailed on February 25, 2002. The Notice of Abandonment indicated that no reply was received by the Office.

However, a review of the undersigned's application file indicates that a proper reply to the Notice of Missing Parts was timely submitted via U.S. first class mail on April 10, 2002 and that the response was received by the U.S. Patent and Trademark Office ("Office") on April 22, 2002.

In support of the above, Attachment B to this petition is a complete copy of the "Response to Notice to File Missing Parts of Application Filing Date Granted"

BRINKS
HOFER
GILSON
& LIONE

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610

("Response"), including its attachments, as previously submitted on April 10, 2002. That Response included as its attachments a copy of the Notice to File Missing Parts and a copy of a Declaration and Power of Attorney duly signed by all of the inventors.

Also submitted with the Response was a return receipt postcard. The return receipt postcard was received back by the undersigned and bears the stamp of the Office of Initial Patent Examination ("OIEP"), indicating that the Response was received on April 22, 2002. A copy of the duly stamped return receipt postcard is attached hereto as Attachment C.

Fees

Since this is a petition to the Director under 37 C.F.R. 1.181(a), no fee is required. However, the Commissioner/Director is hereby authorized to charge any fee deficiency associated with the filing of this Petition to the deposit account as indicated in the Transmittal accompanying this Petition.

Additional Submissions

Concurrently submitted with this Petition are the following papers: (1) a Supplemental Information Disclosure Statement; and (2) a new, originally signed Declaration and Power of Attorney.

The former is being submitted so that art cited by a foreign patent office can be considered by the examiner. The latter is being submitted because, upon the review of the application initiated as a result of the receipt of the Notice of Abandonment, it has been noted that the Declaration submitted with the Response to Notice to File Missing Parts inadvertently failed to include the required reference to the application by serial number and filing date. It is asserted that this previous deficiency would have been insufficient to support the holding of abandonment since a notice of defective declaration would have been issued by the Office had the deficiency been noted. Accordingly, the Declaration concurrently submitted herewith corrects that deficiency.

Conclusion

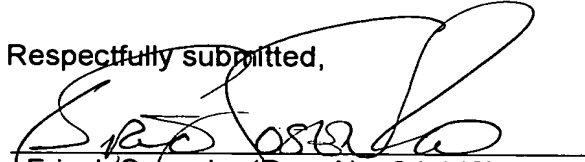
In view of the above, it is respectfully submitted that there has been no abandonment in fact and that the Notice of Abandonment was issued in error. The Notice of Abandonment should therefore be withdrawn. Such action is respectfully requested.

If there are any questions regarding this matter, please contact the undersigned attorney at (734) 302-6038.

February 6, 2004

Date

Respectfully submitted,

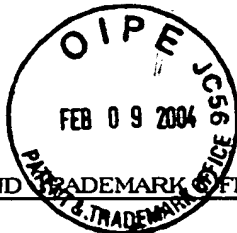


Eric J. Sosenko (Reg. No. 34,440)
Attorney for Applicants

Tab A



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/057,061	01/24/2002		10541-1186

CONFIRMATION NO. 3375

ABANDONMENT/TERMINATION LETTER



OC000000011718265

29074
 BRINKS HOFER GILSON & LIONE
 P.O. BOX 10395
 CHICAGO, IL 60611

Date Mailed: 01/20/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/25/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Tab B



hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents
Washington, D.C. 20231
on April 10, 2002

Date of Deposit

Steven L. Oberholtzer

Name of applicant, assignee or
Registered Representative

Steven L. Oberholtzer

Signature

April 10, 2002

Date of Signature

Case No. 10541-1186

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael York & Tony
Militello

Serial No.: 10/057,061

Filed: January 24, 2002

For: HIGH EFFICIENCY
ALTERNATOR BOBBIN

Attention: Manager,
Application Branch

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
FILING DATE GRANTED**

Commissioner for Patents
Washington, D.C. 20231

Attn.: Box Missing Parts

Dear Sir:

In accordance with the Notice to File Missing Parts of Application Filing Date Granted dated February 25, 2002, a copy of which is attached, enclosed herewith for filing are the following documents:

- ☒ Fully executed Declaration for Patent Application and Power of Attorney for the above-referenced patent application.
- ☐ Applicant is:

- ☐ a small entity, verified statement is:
- ☐ attached
- ☐ already filed
- ☐ other than small entity
- ☐ Checks totaling \$_____ for:
- ☐ Filing Fee of \$_____.
- ☒ Surcharge of \$ 130.00.
- ☐ Additional Claim Fees of \$_____.
- ☐ Petition for Extension of Time (37 C.F.R. § 1.136(a)) to file missing parts (in duplicate).
- ☐ Other: _____.
- ☒ The Commissioner is hereby authorized to charge any deficiencies in fees or credit overpayment to Deposit Account No. 06-1500. A duplicate copy of this paper is enclosed.

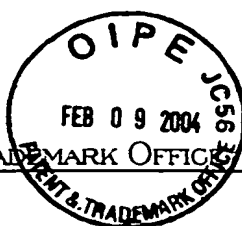
Respectfully submitted,

Dated: April 10, 2002



Steven L. Oberholtzer
Registration No. 30,670
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610
(312)321-4200

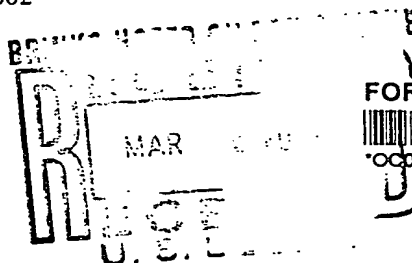


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

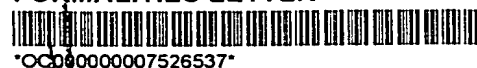
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/057,061	01/24/2002		10541-1186

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610



CONFIRMATION NO. 3375

FORMALITIES LETTER



Date Mailed: 02/25/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

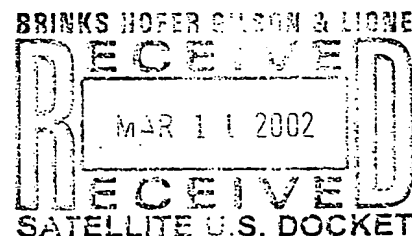
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



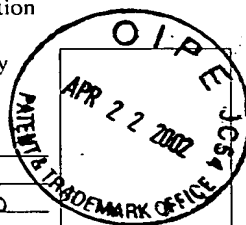
tab c



SERIAL NO. 161057, 061 CASE NO. 10541-1186
FILED: January 24, 2002 CLIENT CASE NO. 201-6745
APPLICANT(S): York et al

THE PATENT AND TRADEMARK OFFICE MAIL ROOM DATE STAMP
HEREON ACKNOWLEDGES RECEIPT OF THE FOLLOWING ITEMS:

- | | |
|---|--|
| <input type="checkbox"/> _____ Application | <input type="checkbox"/> Express Mail Certificate |
| <input type="checkbox"/> Drawing(s) (____ sheets) | <input checked="" type="checkbox"/> 1st Class Mail Certificate |
| <input checked="" type="checkbox"/> Declaration & Power of Attorney | <input type="checkbox"/> _____ Affidavit |
| <input type="checkbox"/> Assignment | <input type="checkbox"/> Info. Disclosure Statement |
| <input type="checkbox"/> Small Entity Declaration | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Certified Copy _____ | <input type="checkbox"/> Extension of Time |
| <input type="checkbox"/> Amendment _____ | <input type="checkbox"/> Issue Fee Transmittal |
| <input checked="" type="checkbox"/> Deposit Account <u>06-1500</u> | <input type="checkbox"/> Maintenance Fee Transmittal |
| <input type="checkbox"/> Fees \$ _____ (check) | |
| <input checked="" type="checkbox"/> Other <u>Response to Notice to file missing parts</u> | |



Mailed Apr. 10, 2002 Atty SLA Secretary TW